

EXHIBIT A

SUM-100

**SUMMONS  
(CITACION JUDICIAL)****NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):****SYNCHRONY BANK, and DOES 1 through 10,****YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):****GLENN CALDWELL,**FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**FILED**  
SAN BERNARDINO DISTRICT**FEB 01 2017**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINORegina Chanez  
Regina Chanez**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): San Bernardino Justice Center

247 W. Third Street

San Bernardino, CA 92415

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

L. Paul Mankin (SBN 264038) 4655 Cass Street, Suite 112, San Diego, CA 92109 (800) 219-3577

CASE NUMBER:  
(Número del Caso):

CIVDS1702038

**By Fax**DATE:  
(Fecha)**FEB 01 2017**Clark, by  
(Secretario)

Regina Chanez

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) *Regina Chanez*  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Synchrony Bank

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):

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1 L. Paul Mankin (SBN 264038)  
 2 The Law Office of L. Paul Mankin  
 3 4655 Cass St., Ste. 112  
 4 San Diego, Ca 92109  
 5 800-219-3577  
 6 323-207-3885  
 7 pmankin@paulmankin.com  
 8 Attorney for Plaintiff

FILED  
 SAN BERNARDINO DISTRICT

FEB 01 2017

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN BERNARDINO  
*Regina Chavez*  
*Regina Chavez*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF SAN BERNARDINO  
 LIMITED JURISDICTION

CIVDS1702038

GLENN CALDWELL,

Plaintiff,

vs.

SYNCHRONY BANK, and DOES 1  
 through 10,

Defendant.

) Case No.

) COMPLAINT FOR DAMAGES

) (Amount not to exceed \$10,000)

) 1. VIOLATIONS OF THE  
 ) ROSENTHAL FAIR DEBT  
 ) COLLECTION PRACTICES ACT  
 ) [CAL. CIV. CODE § 1788]

) 2. VIOLATIONS OF THE TELEPHONE  
 ) CONSUMER PROTECTION ACT [47  
 ) U.S.C. § 227]

By Fax

\$ 251  
 170203/0448  
 0646

I. INTRODUCTION

1. Glenn Caldwell ("Plaintiff") brings this action to secure redress from Synchrony Bank ("Defendant") for violations of the Rosenthal Fair Debt Collection Practices Act [CAL. CIV. CODE § 1788] and for violations of the Telephone Consumer Protection Act [47 U.S.C. § 227].

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## II. PARTIES

2. Plaintiff, Glenn Caldwell ("Plaintiff"), is a natural person residing in Riverside County in the State of California, and is a "debtor" as defined by Cal Civ Code §1788.2(h).

3. At all relevant times herein, Defendant, Synchrony Bank ("Defendant"), was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the RFDCPA, Cal Civ Code §1788.2(c).

## III. FACTUAL ALLEGATIONS

4. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

5. Defendant has regularly placed calls to Plaintiff in its attempt to collect the alleged debt via Plaintiff's telephone number ending in -6553.

6. Within one year prior to the filing of this action, Defendant caused Plaintiff's telephone to ring repeatedly and continuously to annoy Plaintiff. Defendant communicated with Plaintiff with such frequency as to be unreasonable under the circumstances and to constitute harassment. The frequency and pattern of Defendant's telephone calls to Plaintiff evidences Defendant's intent to harass Plaintiff.

7. As an illustrative example, Defendant attempted to contact Plaintiff six times on January 9, 2017, at 10:13 am, 12:35 pm, 12:36 pm, 3:07 pm, 7:06 pm, and 8:34 pm.

8. Plaintiff, on several occasions, demanded that Defendant cease calling him. Despite his demands, Defendant continued to contact Plaintiff at a harassing pace.

9. The natural and probable consequences of Defendant's conduct in contacting Plaintiff were to harass, oppress or abuse Plaintiff in connection with the collection of the alleged debt.

10. At all times relevant to this action, while conducting business in California, Defendant has been subject to, and required to abide by, the laws of the United States, which included the TCPA and its related regulations that are set forth at 47 C.F.R. § 64.1200 ("TCPA

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1 Regulations”), as well as the opinions, regulations and orders issued by the courts and the FCC  
2 implementing, interpreting and enforcing the TCPA and the TCPA regulations.

3 11. At all times relevant to this action, Defendant owned, operated and or controlled  
4 an “automatic telephone dialing system” as defined by TCPA 47 U.S.C. § 227(a)(1) that  
5 originated, routed and/or terminated telecommunications.

6 12. Within four years prior to the filing of this action, specifically on or around  
7 September of 2016, Defendant called Plaintiff at Plaintiff’s cellular telephone number multiple  
8 times using an artificial prerecorded voice or using equipment which has the capacity to store  
9 or produce telephone numbers to be called, using random or sequential number generator and  
10 to dial such numbers, also known as an “automatic telephone dialing system” as defined by  
11 TCPA 47 U.S.C. § 227(a)(1)(A) and (B). The frequency of the telephone calls placed to  
12 Plaintiff’s cellular telephone number indicate the use of an “automatic telephone dialing  
13 system.”

14 13. Defendant never received Plaintiff’s consent to call Plaintiff on Plaintiff’s  
15 cellular telephone, to the extent it ever existed, using an “automatic telephone dialing system”  
16 or an “artificial or prerecorded voice” as defined in 47 U.S.C. § 227 (a)(1).

17 14. Even assuming arguendo that Defendant did have consent to call Plaintiff on  
18 Plaintiff’s cellular telephone using an ATDS, that consent was subsequently revoked by  
19 Plaintiff.

20 15. At no time have Plaintiff and Defendant had an “established business  
21 relationship” as defined by 47 U.S.C. § 227(a)(2).

22 16. Defendant is not a tax-exempt nonprofit organization.

23 17. Defendant’s violation of the TCPA was willful. Defendant’s violation of the  
24 TCPA was willful because Plaintiff requested that Defendant cease calling Plaintiff.

25 18. Defendant’s conduct violated the RFDCPA in multiple ways, including but not  
26 limited to:

- 27 a) Causing a telephone to ring repeatedly or continuously to annoy the person  
28 called (§ 1788.11(d));

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- 1           b) Communicating, by telephone or in person, with the debtor with such frequency  
2           as to be unreasonable and to constitute harassment to the debtor under the  
3           circumstances. ((§ 1788.11(e));
- 4           c) Attempting to collect a debt not legally owed (§ 1692(e)(2));
- 5           d) Engaging in conduct the natural consequence of which is to harass, oppress, or  
6           abuse Plaintiff (§ 1692d); and
- 7           e) Causing Plaintiff's phone to ring or engaging in telephone conversations  
8           repeatedly ((§ 1692d(5)).

9           19. As a result of the above violations of the RFDCPA, Plaintiff suffered and  
10          continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental  
11          anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual  
12          damages, statutory damages, and costs and attorney's fees.

13                               **COUNT I: VIOLATION OF ROSENTHAL**

14                               **FAIR DEBT COLLECTION PRACTICES ACT**

15           20. Plaintiff reincorporates by reference all of the preceding paragraphs.

16           21. § 1788.17 of the RFDCPA mandates that every debt collector collecting or  
17          attempting to collect a consumer debt shall comply with the provisions of Sections 1692b to  
18          1692j, inclusive, of, and shall be subject to the remedies in Section 1692k of, Title 15 of the  
19          United States Code statutory regulations contained within the FDCPA, 15 U.S.C. § 1692d, and  
20          § 1692d(5).

21           22. To the extent that Defendant's actions, counted above, violated the RFDCPA,  
22          those actions were done knowingly and willfully.

23                               **COUNT II: VIOLATION OF**

24                               **TCPA, 47 U.S.C. § 227**

25           23. Plaintiff incorporates by reference all of the above paragraphs of this Complaint  
26          as though fully stated herein.

27           24. Defendant violated the TCPA. Defendant's violations include, but are not  
28          limited to the following:

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1 a) Within four years prior to the filing of this action, on multiple occasions,  
2 Defendant violated TCPA 47 U.S.C. § 227 (b)(1)(A)(iii) which states in  
3 pertinent part, "It shall be unlawful for any person within the United States . . .  
4 to make any call (other than a call made for emergency purposes or made with  
5 the prior express consent of the called party) using any automatic telephone  
6 dialing system or an artificial or prerecorded voice — to any telephone number  
7 assigned to a . . . cellular telephone service . . . or any service for which the  
8 called party is charged for the call.

9 b) Within four years prior to the filing of this action, on multiple occasions,  
10 Defendant willfully and/or knowingly contacted Plaintiff at Plaintiff's cellular  
11 telephone using an artificial prerecorded voice or an automatic telephone dialing  
12 system and as such, Defendant knowing and/or willfully violated the TCPA.

13 25. As a result of Defendant's violations of 47 U.S.C. § 227, Plaintiff is entitled to  
14 an award of five hundred dollars (\$500.00) in statutory damages, for each and every violation,  
15 pursuant to 47 U.S.C. § 227(b)(3)(B). If the Court finds that Defendant knowingly and/or  
16 willfully violated the TCPA, Plaintiff is entitled to an award of one thousand five hundred  
17 dollars (\$1,500.00), for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47  
18 U.S.C. § 227(b)(3)(C).

19 26. Plaintiff is also entitled to seek injunctive relief prohibiting such conduct in the  
20 future.

## 21 **VII. PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff respectfully requests that judgment be entered against  
23 Defendant for the following:

- 24 a) An injunction prohibiting Defendant from contacting Plaintiff on Plaintiff's  
25 cellular telephone using an automated dialing system pursuant to 47 U.S.C. §  
26 227(b)(3)(A); and  
27 b) Actual damages pursuant to CAL. CIV. CODE § 1788.30(a); and  
28

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- 1 c) As a result of Defendant's violations of 47 U.S.C. § 227(b)(1), Plaintiff is  
2 entitled to and requests five hundred dollars (\$500.00) in statutory damages, for  
3 each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B); and  
4 d) As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §  
5 227(b)(1), Plaintiff is entitled to and requests treble damages, as provided by  
6 statute, up to one thousand five hundred dollars (\$1,500.00), for each and every  
7 violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C);  
8 and  
9 e) Statutory damages pursuant to CAL. CIV. CODE § 1788.30(b); and  
10 f) Costs and reasonable attorney's fees pursuant to CAL. CIV. CODE § 1788.30(c);  
11 and  
12 g) Awarding Plaintiff any pre-judgment and post-judgment interest as may be  
13 allowed under the law; and  
14 h) For such other and further relief as the Court may deem just and proper.

15 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

16 Respectfully submitted this February 1, 2017,

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18  
19 By: 

20 L. Paul Mankin IV, Esq.  
21 The Law Office of L. Paul Mankin  
22 Attorney for Plaintiff  
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

San Bernardino District - Civil  
247 West Third Street

San Bernardino, CA. 924150210

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CASE NO: CIVDS1702038

NOTICE OF TRIAL SETTING CONFERENCE  
and NOTICE OF CASE ASSIGNMENT

IN RE: CALDWELL -V- SYNCHRONY BANK

THIS CASE HAS BEEN ASSIGNED TO: JUDGE BARRY L. PLOTKIN AND JUDGE  
MICHAEL M. DEST IN S17 FOR ALL PURPOSES.

Notice is hereby given that the above-entitled case has been set for  
Trial Setting Conference at the court located at 247 W. 3RD ST  
SAN BERNARDINO, CA 92415-0210.

HEARING DATE: 08/02/17 at 8:30 in Dept. S17

DATE: 02/03/17 Nancy Eberhardt, Interim Court Executive Officer  
By: REGINA CHANEZ

-----  
CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San  
Bernardino at the above listed address. I am not a party to this  
action and on the date and place shown below, I served a copy of the  
above listed notice:

(X) Enclosed in a sealed envelope mailed to the interested party  
addressed above, for collection and mailing this date, following  
standard Court practices.

( ) Enclosed in a sealed envelope, first class postage prepaid in the  
U.S. mail at the location shown above, mailed to the interested party  
and addressed as shown above, or as shown on the attached listing.

( ) A copy of this notice was given to the filing party at the counter

( ) A copy of this notice was placed in the bin located at this office  
and identified as the location for the above law firm's collection of  
file stamped documents.

Date of Mailing: 02/03/17

I declare under penalty of perjury that the foregoing is true and  
correct. Executed on 02/03/17 at San Bernardino, CA

BY: REGINA CHANEZ

civ-ntsc-20130417

Notice 'NTSC1' has been printed for the following Attorneys/Firms  
or Parties for Case Number CIVDS1702038 on 2/03/17:

L. PAUL MANKIN, IV  
4655 CASS STREET  
SUITE 112  
SAN DIEGO, CA 92109